

AD-05
Ct No.09
01.09.2023
TN

CPAN 694 of 2023
in
WPA No. 11416 of 2022

Om Prakash Gupta
Vs.
Shri K. Srinivasan, Transport Commissioner cum
Secretary, State Transport Authority, Jharkhand and
others

Mr. Sattwik Bhattacharya
.... for the petitioner

Mr. Amal Kr. Sen,
Ms. Ashima Das (Sil)
.... for the alleged contemnor
nos.3 to 6

1. Learned counsel for the petitioner contends that despite the specific direction of this court on the respondents to consider the representation of the petitioner, the same was not done particularly by the Jharkhand authorities, although the Bihar authorities have complied.
2. Learned counsel appearing for the alleged contemnor nos. 3 to 6 submits that the Purulia authorities have duly complied with the direction by considering the representation. A written instruction in that regard is filed in court today, which is kept on record.
3. It is clear from the written instruction and its annexures that a hearing was given to the

petitioner and all concerned parties in pursuance of the order of this court passed in WPA No. 11416 of 2022 and, as such, it cannot be said that the Purulia authorities were in any way guilty of contempt.

4. Learned counsel for the petitioner submits that the Bihar authorities have also complied with the order.
5. However, it is submitted by the petitioner that the respondent nos.1 and 2, the Jharkhand authorities, did not comply with the order of this court. Learned counsel for the petitioner places reliance on the cause title of the contempt application as well as the addressees in the communication of the order of this court, showing that the order was communicated to the Jharkhand authorities as well.
6. A perusal of the order dated July 05, 2022 shows that this court had directed, while disposing of the writ petition, the “respondent authorities” to consider and decide the representation made by the petitioner on March 03, 2022 (Annexure-P1 at page-23 of the writ petition).
7. A perusal of the said annexure to the writ petition, in terms of which the order was passed by this court, shows clearly that all the

authorities mentioned therein were of Purulia, West Bengal and that the Jharkhand authorities were never addressed in the representation, which was directed to be considered by the respondent authorities.

8. Since the representation was not given to the Jharkhand authorities in the first place and the order was specifically on the basis of the said representation, it cannot be said that there was any non-compliance of the order of this court by the Jharkhand authorities.
9. Since the petitioner never gave any representation prior to passing of the order of this court in the writ petition to the Jharkhand authorities, the contempt application cannot succeed against the Jharkhand authorities.
10. Accordingly, keeping on record the written instruction filed by the Purulia authorities, the contempt application is disposed of.
11. Hence, CPAN 694 of 2023 is dismissed without any order as to costs.
12. It is, however, made clear that nothing in this order shall prevent the petitioner from challenging the decision taken by the Purulia authorities, in terms of the direction of this court,

passed in the writ petition, since the same furnishes a fresh cause of action.

13. A copy of the written instruction filed today in court has been handed over to learned counsel for the petitioner.
14. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)